



Order Filed on September 7, 2023  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-2(c)

THE LAW OFFICES OF STEVEN D. PERTUZ,  
LLC

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Counsel to Debtor-in-Possession

By: Steven D. Pertuz, Esq. (SDP-5632)

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John O'Boyle, Esq.

[jboyle@norgaardfirm.com](mailto:jboyle@norgaardfirm.com) (JO-6337)

In Re:

**BAV AUTO, L.L.C.**

Debtor-in-Possession.

**ALEXANDRE DACOSTA and  
VIVIANNE ANTUNES**

Debtors-in-Possession.

Chapter 11  
(Subchapter V Small Business)

Hon. John K. Sherwood

Case No. 22-17933 JKS

Case No. 22-18303 JKS

**CONSENT ORDER LIFTING THE AUTOMATIC STAY AS TO SECURED  
CREDITOR, AUTOMOTIVE FINANCE CORPORATION**

The relief set forth on the following pages, numbered two (2) through four (4), is hereby

**ORDERED.**

**DATED: September 7, 2023**

  
\_\_\_\_\_  
Honorable John K. Sherwood  
United States Bankruptcy Court

In Re: BAV AUTO, L.L.C. & ALEXANDRE DACOSTA and VIVIANNE  
ANTUNES  
Case no.: 22-17933 JKS / 22-18303 JKS  
Caption of Order: **CONSENT ORDER LIFTING THE AUTOMATIC STAY AS TO  
SECURED CREDITOR, AUTOMOTIVE FINANCE  
CORPORATION**

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**THIS MATTER**, having come before the court by the mutual consent of BAV AUTO, L.L.C. (“Debtor”), by and through its counsel, The Law Offices Of Steven D. Pertuz, LLC, Steven D. Pertuz, Esq. appearing, and Automotive Finance Corporation (“AFC”), by and through its counsel, Donna Thompson, Esq., appearing, for entry of a Consent Order lifting the automatic stay to allow for secured creditor, AFC, to recover certain vehicles specifically listed below and currently in the possession of the Debtor in order to finalize the orderly liquidation of its assets pursuant to a filed Joint Plan of Reorganization filed on January 4, 2023 and as subsequently amended forthwith, and any other related relief specifically referenced and consented hereto, and the Court having considered the application, and for good cause having been shown for the entry of this order, it is hereby,

**ORDERED** that the automatic stay pursuant to 11 USC §362 be and is hereby lifted and terminated as to allow AFC to immediately take the necessary steps to recover all of its existing collateral currently being held by the Debtor at its lot located at 1829 State Highway Route 1, Rahway, NJ, (“AFC Vehicles”) specifically but not limited to:

- 1) 2013 Hyundai Genesis (VIN # KMHHT6KD9DU109709)
- 2) 2012 Jeep Grand Cherokee (VIN # 1C4RJFAG5CC154757)

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- 3) 2011 Infiniti M37 (VIN # JN1BY1AR1BM370943)
- 4) 2011 BMW 3 Series (VIN # WBAPK7C54BA972932)
- 5) 2009 Chevy Traverse (VIN # 1GNEV23D59S103943); and
- 6) any other AFC vehicles that AFC has a valid and perfected lien which is located at  
1829 State Highway Route 1, Rahway, NJ; and it is further

**ORDERED** that AFC shall retain and reserve all rights it has as to the Debtor and this consent order shall not amend or alter any of those rights; and it is further

**ORDERED** that the parties may execute any and all documents necessary to carry out the proper transfer of the AFC Vehicles back to AFC and any terms of this Consent Order without further order of the Bankruptcy Court; and it is further

**ORDERED** that, upon the sale of the AFC Vehicles at auction, private sale, wholesale or by any other means, AFC shall apply all sale proceeds of the recovered AFC Vehicles and any reserve funds held to the total outstanding balance owed to AFC and said balance owed shall be reduced accordingly; and it further

**ORDERED** that, if the case is severed or converted to a case under any other chapter of Title 11, the relief granted under this Order lifting the automatic stay remains valid and effective, without need for any further order of the Bankruptcy Court, and it should be binding on any subsequently appointed trustees in the converted case; and it is further

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**ORDERED** that, if the Debtor's bankruptcy case is dismissed, the relief granted under this Order will remain valid and effective without need for further order of the Bankruptcy Court in any subsequent filed bankruptcy case.

I hereby consent to the form and entry of the above Order.

/s/ Steven D. Pertuz  
**STEVEN D. PERTUZ, ESQ.**  
**LAW OFFICES OF STEVEN D. PERTUZ, LLC**  
Attorneys for BAV AUTO, L.L.C.

**Dated: 8/28/23**

/s/ Donna Thompson  
**DONNA THOMPSON, ESQ.**  
Attorney for AUTOMOTIVE FINANCE CORP.

**Dated: 8/28/23**

In re:  
BAV AUTO L.L.C.  
Debtor

Case No. 22-17933-JKS  
Chapter 11

## CERTIFICATE OF NOTICE

District/off: 0312-2  
Date Rcvd: Sep 07, 2023

User: admin  
Form ID: pdf903

Page 1 of 2  
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 09, 2023:

Recip ID	Recipient Name and Address
db	+ BAV AUTO L.L.C., 80 Columbia Avenue, Kearny, NJ 07032-2948

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 09, 2023

Signature: /s/Gustava Winters

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 7, 2023 at the address(es) listed below:

Name	Email Address
Donna L. Thompson	on behalf of Creditor Automotive Finance Corporation donna.thompson@dlthompsonlaw.com dlthompsonlaw@aol.com
Drew S. McGehrin	on behalf of Creditor Vero Finance Technologies Inc. dsmcgehrin@duanemorris.com
Eamonn O'Hagan	on behalf of Creditor United States of America (Internal Revenue Service) eamonn.ohagan@usdoj.gov
John O'Boyle	on behalf of Debtor BAV AUTO L.L.C. joboye@norgaardfirm.com sferreira@norgaardfirm.com;kcimmino@norgaardfirm.com;crose@norgaardfirm.com;dtakach@norgaardfirm.com;o'boyle.johnb124931@notify.bestcase.com
John O'Boyle	on behalf of Interested Party Alexandre Dacosta and Vivianne Antunes joboye@norgaardfirm.com sferreira@norgaardfirm.com;kcimmino@norgaardfirm.com;crose@norgaardfirm.com;dtakach@norgaardfirm.com;o'boyle.johnb1

District/off: 0312-2

User: admin

Page 2 of 2

Date Rcvd: Sep 07, 2023

Form ID: pdf903

Total Noticed: 1

24931@notify.bestcase.com

Joseph H. Lemkin

on behalf of Creditor XL Funding LLC dba Axle Funding, LLC fka Auction Credit Enterprises, LLC jlemkin@stark-stark.com

Joseph H. Lemkin

on behalf of Creditor Auction Credit Enterprises LLC jlemkin@stark-stark.com

Mark Politan

mpolitan@politanlaw.com

Mark Politan

on behalf of Trustee Mark Politan mpolitan@politanlaw.com

Peter J. D'Auria

on behalf of U.S. Trustee U.S. Trustee Peter.J.D'Auria@usdoj.gov

Regina Cohen

on behalf of Creditor Westlake Flooring Services rcohen@lavin-law.com mmalone@lavin-law.com

Regina Cohen

on behalf of Creditor Westlake Flooring Company LLC d/b/a Westlake Flooring Services rcohen@lavin-law.com, mmalone@lavin-law.com

Steven D. Pertuz

on behalf of Debtor BAV AUTO L.L.C. pertuzlaw@verizon.net  
g16461@notify.cincompass.com;pertuz.stevenb130381@notify.bestcase.com

Steven D. Pertuz

on behalf of Interested Party Alexandre Dacosta and Vivianne Antunes pertuzlaw@verizon.net  
g16461@notify.cincompass.com;pertuz.stevenb130381@notify.bestcase.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 15